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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER		Docket Number 10010324-3 (11368/75)		
Application Number 10/664,512	Filing Date September 16, 2003	Examiner Johnnie L. Smith	Art Unit 2881	Confirmation No. 4696
Invention Title INTERNAL INTRODUCTION OF LOCK MASSES IN MASS SPECTROMETER SYSTEMS		Inventor(s) RUSS, IV, et al.		
<p>Address to:</p> <p>Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 14, 2004</p> <p>By: <u>Howard Grossman</u> Howard I. Grossman (Reg. No. 48,673)</p>				
<p>Transmitted herewith for filing in the above-identified patent application are the following:</p> <ol style="list-style-type: none">1. Amendment in response to Office Action dated March 2, 2004.2. Terminal Disclaimer.3. Applicants respectfully request a one-month extension of time in which to respond to the March 2, 2004 Office Action, for which a response period expiring on June 2, 2004 was set. The extended period expires on July 2, 2004. Please charge the \$110.00 extension fee to the deposit account of Agilent Technologies, deposit account number 50-1078. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to the deposit account of Agilent Technologies, deposit account number 50-1078.4. A duplicate copy of this letter is enclosed.				
Dated: June 14, 2004		By: <u>Howard Grossman</u> Howard I. Grossman (Reg. No. 48,673)		
<p>KENYON & KENYON One Broadway New York, N.Y. 10004 (212) 425-7200 (telephone) (212) 425-5288 (facsimile) CUSTOMER NO. 26646</p>				

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Charles William RUSS IV et al.
 Serial No. : 10/664,512
 Filed : September 16, 2003
 For : **INTERNAL INTRODUCTION OF LOCK MASSES
IN MASS SPECTROMETER SYSTEMS**
 Art Unit : 2881
 Examiner : Johnnie L. Smith

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 14, 2004.

By: Howard Grossman
Howard I. Grossman (Reg. No.48,673)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE

SIR:

In response to the Office Action of March 2, 2004, please reconsider the above-identified application in view of the following:

REMARKS

Claims 49-58 are currently pending in the present application.

Independent claims 49 and 54 have been rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-48 of U.S. Patent No. 6,649,909.

Patent No. 6,649,909 (to Russ IV et al.) and the present application are commonly owned by Agilent Technologies Inc. Therefore, without addressing the merits of this rejection, a terminal disclaimer in compliance with 37 CFR 1.321(c) is submitted herewith to overcome the double patenting rejection of claims 49 and 54. It is therefore submitted that claims 49-58 are in allowable condition.